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***Document Number:***

**143) IV-D-207**

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***Docket Number:***

**A-90-16**



City of New York  
Department of  
Environmental Protection

2358 Municipal Building, New York 10007 (212) 669-8200

ALBERT F. APPLETON  
Commissioner

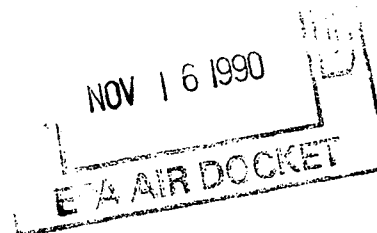
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October 30, 1990

Honorable William K. Reilly, Administrator  
United States Environmental Protection Agency  
401 M Street, S.W., Room W-1200  
Washington D.C. 20460



Re: Fuels and Fuel Additives; Waiver Application  
55 FR 22947 (June 6, 1990)  
Public Docket A-90-16 at the Air Docket (LE-131)

Dear Mr. Reilly:

The New York City Department of Environmental Protection (DEP) urges the Environmental Protection Agency to reject an application by the Ethyl Corporation for a waiver under Section 211(f)(4) of the Clean Air Act. The Ethyl Corporation is seeking this waiver in order to add methylcyclopentadienyl manganese tricarbonyl (MMT) to unleaded gasoline for purposes of octane enhancement and cleaner exhaust emissions. In light of earlier unsuccessful attempts by the Ethyl Corporation to be granted waivers for MMT and a reported increase in particulate levels from EPA's own tests (see enclosed Inside EPA October 26, 1990), the agency would be acting only prudently if the Ethyl Corporation's current waiver application were denied.

Of particular concern to DEP were EPA's test results. In New York City, where ambient particulate levels are a matter of real concern, reported increases in particulate emissions from engines using MMT-modified gasoline appear to create a whole new source of pollution. In light of this unanticipated finding, EPA should make both Ethyl's and its own technical findings available for public review and comment prior to any decision by the agency on MMT as a fuel additive. As a matter of general policy elevated particulate emissions from a source conventionally viewed as a negligible contributor to ambient particulate pollution should receive special consideration by the EPA for its impact on urban air quality in its waiver application review.

Further supporting our position on a denial of waiver for the Ethyl application rests on EPA's Advance Notice of Public Rule Making which announced the agency's intent to develop regulations and establish test protocols to determine public health and general welfare effects as well as impacts on emissions control systems of motor vehicle fuels and fuel additives (55 Federal Register 32218). In light of the authority granted to the EPA under the Clean Air Act Sections 211 (b) and (e) which provide that the agency "may also require" the manufacturer "to conduct tests to determine potential health effects" of fuel additives and the incomplete but disturbing information currently available on manganese as a neurotoxin, Ethyl's petition should be denied pending final promulgation of this proposed rule.

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Administrator  
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DEP believes the presence of manganese in this fuel additive presents a fundamental reason to deny the waiver application until EPA implements its statutory authority to assess the impacts of motor vehicle fuels and fuel additives on the public health, welfare and emissions control systems. As with the above stated position on the policy significance of elevated particulate emissions, the decision to allow increased emissions of toxic manganese into the environment should be decided on the basis of the fundamental mandates of the Clean Air Act and not on a narrow reading that could well be inconsistent with those mandates.

Thank you for this opportunity to comment on the Ethyl Corporation's waiver application proposed waiver application.

Very truly yours,

  
Albert F. Appleton

xc: David J. Kortum  
Mary T. Smith